UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MICHAEL CAPELTON, JR,)
Plaintiff,)
V.) Cause No:
SAM'S EAST, INC. D/B/A SAM'S CLUB #4741,) St. Louis County Cause No:22SL-CC03631) Defendant demands trial by jury)
Defendant.)

REMOVAL NOTICE

Comes now, Defendant Sam's East, Inc. d/b/a Sam's Club #4741, by and through undersigned counsel, and for its Notice of Removal, state the following:

- 1. On August 9, 2022 Plaintiff filed an original Petition in the Circuit Court of St. Louis County, State of Missouri against Defendant Sam's East d/b/a Sam's Club #4741.
 - 2. Plaintiff is a resident and citizen of the State of Missouri.
- 3. At the time of the commencement of said action and ever since, Sam's East, Inc. has been and still is a foreign corporation incorporated and existing under the laws of the State of Delaware with its principal place of business in the State of Arkansas, not having its chief and principal office and place of business in the State of Missouri, and is not a citizen or resident of the State of Missouri. Wal-Mart, Inc. is likewise a foreign corporation not having its principal place of business in the State of Missouri.
- 4. Plaintiff's claim for damages exceeds the statutory minimum requirement of \$75,000 for diversity jurisdiction as Plaintiff's counsel made a demand of \$100,000.00 to defendant..

5. Plaintiff filed his Petition on August 9, 2022 and obtained service on this

Defendant on or about August 17, 2022. Therefore, this Notice of Removal has been timely filed

within thirty (30) days pursuant to 28 U.S.C. § 1446.

6. Because complete diversity of citizenship exists between Plaintiff and Defendant,

and because the amount in controversy in this action exceeds the sum of Seventy-Five

Thousand Dollars (\$75,000.00), removal to this Court is proper pursuant to 28 U.S.C. § 1332

and 28 U.S.C. § 1446.

7. Furthermore, venue is proper in the Eastern Division of this Court pursuant to

Local Rule 3.1, as the incident from which Plaintiff claims damages is alleged to have occurred

in St. Louis County, Missouri as evidenced in paragraph 3 of Plaintiff's Petition and as

established by the fact that the residence at issue is located in St. Louis County.

8. Promptly after filing this Notice of Removal, the Defendant gave written notice

thereof to the attorney for Plaintiff, and to the Clerk of the Circuit Court of St. Louis County,

Missouri, and has provided both with copies of this Notice or Removal.

9. All pleadings and papers which have been filed in the state court action are

attached to this Notice of Removal

WHEREFORE, Defendant Sam's East, Inc. d/b/a Sam's Club #4741requests that the

above-referenced state court action be removed from St. Louis County Circuit Court, to this

honorable Court, and that this honorable Court accept jurisdiction of the case, and for any other

relief this Court deems just and proper.

/s/ John P. Rahoy

John P. Rahoy #41896

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The undersigned hereby certifies that the above and foregoing pleading was filed electronically with the above-captioned Court, with notice of case activity to be generated and sent electronically by the Clerk of said Court this 25^{th} day of August 2022 to.

rmk@khourilawfirm.com

Reiad M. Khouri Attorney at Law 1401 S. Brentwood Blvd., Suite 940 St Louis, MO 63144

/s/ John P. Rahoy